

CWP No.8477 of 2016

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.8477 of 2016
Date of decision:04.05.2016**

Ankush Kapoor

...Petitioner

Versus

The Postgraduate Institute of Medical
Education and Research and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rahul Sharma-I, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The Postgraduate Institute of Medical Education and Research, Chandigarh (hereinafter referred to as the “PGIMER”) invited tenders for grant of license in April 2014 to run the Cafeteria in its New OPD Block. The petitioner was granted the license who deposited the license fee of ₹3,99,999/- for a period of two years and the license deed was executed on 15.05.2014. It was mentioned specifically therein that the license is extendable by the PGI subject to the satisfactory service of the licensee and it would depend upon the discretion of the Director, PGIMER and shall not be claimed as a matter of right whatsoever.

The petitioner was served with a show cause notice on 15.07.2015 for violation of the terms and conditionis of the license deed and after giving him an opportunity of hearing, the license was terminated on 26.09.2015 and the petitioner was also issued 48 hours vacation notice. The

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petitioner filed CWP No.50 of 2016 because not only his license was cancelled but also he was debarred for dealing with the PGI for subsequent two years. The said writ petition was allowed on the ground that the petitioner could not have been blacklisted by the PGIMER without a show cause notice and liberty was granted to it to pass a fresh order in case it still wanted to debar the petitioner. The petitioner was thereafter served with a notice on 17.02.2016. He also moved an application for extension of his period of license because he had the license to run the Cafeteria from 15.05.2014 to 14.05.2016 but his application has been declined on 30.04.2016 and order to vacate the premises of the PGIMER has been passed.

Counsel for the petitioner has submitted that on 31.10.2015, the petitioner was allowed extension w.e.f. 01.11.2015 till the new allottee is selected and occupies the site in question. It is submitted that since the new allottee has not been selected so far, therefore, he may be allowed to continue to run the cafeteria.

I have heard learned counsel for the petitioner and examined the available record.

As a matter of fact, there are serious allegations against the petitioner, inasmuch as a complaint dated 11.07.2015, with photographs and supporting evidence, that a rat was found in the plate of Chana Bhatura served by the petitioner in the cafeteria besides committing other violation of the terms and conditions of the license. It is specifically provided in the agreement, entered into between the parties, that the discretion to extend time of the license, is of the Director, PGIMER, Chandigarh and there

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would be no right whatsoever of the petitioner in this regard. Since there is no right of the petitioner to ask for extension of the license and the matter lies with the sole discretion of the respondent(s), therefore, I have found no reason to interfere in this writ petition especially when the respondents have lost confidence in the petitioner and does not want to retain him as a licensee after expiry of the license.

Consequently, the present petition is hereby dismissed being denuded of any merit.

May 04, 2016
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(Rakesh Kumar Jain)
Judge